
HOUSE RESOLUTION

URGING THE COUNTIES TO PROTECT THE PUBLIC INTEREST BY ENGAGING
PRIVATE PROPERTY OWNERS IN SHARING IN THE COST OF
MITIGATING THE POTENTIAL RISKS AND HAZARDS POSED BY TREES
ON THEIR PROPERTY.

1 WHEREAS, Hawaii's abundant trees form an important and
2 beautiful part of the State's landscape and natural environment;
3 and
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5 WHEREAS, the benefits of trees, especially in densely-
6 populated urban areas, are manifold, including:
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8 (1) Providing shade and cooling their surroundings;
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10 (2) Absorbing carbon dioxide and releasing oxygen;
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12 (3) Conserving energy and water;
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14 (4) Reducing soil erosion;
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16 (5) Cleaning the air of pollutants;
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18 (6) Masking unsightly views and decreasing noise
19 pollution; and
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21 (7) Raising property values; and
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23 WHEREAS, many of Hawaii's trees are very old, which can
24 create potential risks and hazards due to falling trees or
25 branches and very large roots that buckle nearby sidewalks and
26 cause pedestrians to trip and fall; and
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28 WHEREAS, in many established residential neighborhoods,
29 older trees are frequently located on private property for which
30 the county has an easement or right of way, thereby exposing



1 county governments to greater legal liability for injuries
2 caused by older trees; and
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4 WHEREAS, the counties have often resolved legal actions for
5 claims for injuries caused by these trees through significant
6 monetary settlements, which constitute a very costly expenditure
7 of public funds; and
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9 WHEREAS, it can also be extremely costly for the counties
10 to undertake large-scale, countywide measures to mitigate the
11 potential risks and hazards posed by these trees; and
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13 WHEREAS, the large expenditure of public moneys by the
14 counties to settle legal claims or to mitigate potential risks
15 and hazards posed by these trees could adversely affect county
16 functions and services; and
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18 WHEREAS, in order to balance their budgets, counties might
19 be compelled to reduce much-needed public services or find ways
20 to increase revenues, such as through fees and taxes; and
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22 WHEREAS, efforts to mitigate the potential risks and
23 hazards posed by these trees implicate both public interests
24 (e.g., public safety; the expenditure of public funds) as well
25 as private interests (e.g., private property rights); and
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27 WHEREAS, private landowners possess many rights to the
28 properties they hold; however, at the same time, governments,
29 acting for the public, have long exercised powers that may
30 affect individual property owners' use of or control over their
31 land; and
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33 WHEREAS, the rights that individuals enjoy in private
34 property are balanced by their responsibilities to the
35 community; and
36

37 WHEREAS, the complex relationship between individual rights
38 and communal good has been in constant flux throughout history
39 and will likely continue to change with time; and
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1 WHEREAS, a careful, proper balance between the rights of
 2 private property owners and the interests of the general public
 3 must be struck; and
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5 WHEREAS, in light of the public interest in safe sidewalks;
 6 the need for prudent expenditure of taxpayers' money; and the
 7 continued provision of necessary county services, without
 8 increasing fees or taxes, it is reasonable that private owners
 9 share in the costs of mitigating the potential risks and hazards
 10 posed by trees situated on their property, regardless of the
 11 presence of a county easement or right of way; now, therefore,
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13 BE IT RESOLVED by the House of Representatives of the
 14 Twenty-eighth Legislature of the State of Hawaii, Regular
 15 Session of 2015, that the counties are urged to protect the
 16 public interest by engaging private property owners in sharing
 17 in the costs of mitigating the potential risks and hazards posed
 18 by trees on their properties over which the county has an
 19 easement or right of way; and
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21 BE IT FURTHER RESOLVED that the process for determining
 22 cost-sharing initiated by the counties be open, collaborative,
 23 and cooperative, in which the perspectives and ideas of private
 24 property owners are welcomed and respected; and
 25

26 BE IT FURTHER RESOLVED that when a county becomes aware of
 27 an unsafe condition caused by a tree on private property over
 28 which the county has an easement or right of way, the county
 29 notify and work with the private-property owner to have the
 30 unsafe condition mitigated or removed; and
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32 BE IT FURTHER RESOLVED that certified copies of this
 33 Resolution be transmitted to the Mayor and City Council of the
 34 City and County of Honolulu, Mayor and County Council of Hawaii
 35 County, Mayor and County Council of Maui County, and Mayor and
 36 County Council of Kauai County.
 37
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OFFERED BY: 

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